

SEPTEMBER 16, 2013

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Acting Chairman, Mayor Ted Tomaszewski at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this regular meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Mayor Tomaszewski, Watters, Hazen, Spender, Farino, Drazek, Hight, Creedon.

Absent: Barton, Mills, Tate.

Also present: Drew DiSessa, P.E.; William Edleston, Esquire.

The Pledge of Allegiance was recited.

Regarding the minutes of the June 17, 2013 meeting, DiSessa amended the second sentence in the last paragraph on page three to read “. . . regulations for kennels, but they were **not** a kennel, they . . .”

MOTION was made by **WATTERS** to approve the minutes of the June 17, 2013 meeting as amended.

SECONDED: VAEZI.

Those in favor: Vaezi, Mayor Tomaszewski, Watters, Hazen, Spender, Farino, Drazek.

Opposed: None.

Abstained: Hight, Creedon.

MOTION was made by **VAEZI** to approve the resolution for Case #13-02, Nicholas & Adriana Bradley with the lot number being corrected.

SECONDED: HAZEN.

Those in favor: Hazen, Spender, Farino, Drazek, Vaezi.

Opposed: None.

Abstained: None.

Case #13-03, Frank J. Jonkoski, Executor

Present for the applicant: Lyn Paul Aaroe, Esquire; Kevin Smith, P.E.; Frank Jonkoski

Watters was recused from the application hearing.

September 16, 2013 minutes

Page 2.

Smith was sworn in by Edleston and was accepted as a qualified witness in the area of engineering. Smith explained the proposed subdivided lots were all conforming.

Entered as Exhibit A-1 – Proposed Minor Subdivision map dated 8/1/13 and revised 8/30/13

Smith addressed DiSessa's review letter of September 6, 2013, and agreed with the comments made by DiSessa. Smith stated the applicant requested a waiver showing a potable water supply for Lot 5.

Jonkoski was sworn in by Edleston, and indicated each house has a well and potable water can be supplied.

The hearing was open to the public for comments and questions. The hearing was closed to the public since there were no comments or questions from the public.

MOTION was made by **SPENDER** to deem the application complete, and grant the requested waivers.

SECONDED: HAZEN.

Those in favor: Mayor Tomaszewski, Hazen, Spender, Farino, Drazek, Hight, Creedon, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **FARINO** to grant the minor subdivision for Case #13-03, Frank J. Jonkoski, Executor, subject to conditions.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Hazen, Spender, Farino, Drazek, Hight, Creedon, Vaezi, Mayor Tomaszewski.

Opposed: None.

Abstained: None.

Watters returned to the board.

Case #13-06, Ezariah Stecker

Edleston announced the matter would be carried without further notice to the October 21, 2013 meeting.

MOTION was made by **WATTERS** to carry Case #13-06, Ezariah Stecker to the October 21, 2013 meeting without further notice.

SECONDED: MAYOR TOMASZEWSKI.

September 16, 2013 minutes

Page 3.

Those in favor: Spender, Farino, Drazek, Hight, Creedon, Vaezi, Mayor Tomaszewski, Watters, Hazen.

Opposed: None.

Abstained: None.

Case #13-07, Mike Reilly/Sarah Simms

Present for the applicant: Mike Reilly, Paola Reilly, Sarah Simms, Joey Simms.

All present for the application were sworn in by Edleston.

M. Reilly explained the proposal was to purchase a lot and split the lot between his property and the Simms' property. Reilly stated an old trailer on the property has been removed. Reilly explained the property he was adding to his lot would be used for agricultural purposes.

DiSessa explained the application was really a lot line relocation in order to consolidate three lots into two lots. DiSessa stated the lots are served by a common driveway, and a dedication along Jane Chapel Road has been provided. DiSessa agreed the board could grant the requested waivers of the flood plain and wetlands delineation, since there is no proposed development planned by the applicants.

Mayor Tomaszewski asked what would happen with the old septic system. Reilly replied the septic system was closed and inspected by the Warren County Health Department.

The hearing was opened to the public for comments and questions. The hearing was closed since there were no comments or questions from the public.

MOTION was made by **DRAZEK** to deem the application for Case #13-07, Mike Reilly/Sarah Simms complete, and to grant the requested waivers for the wetlands delineation.

SECONDED: HIGHT.

Those in favor: Farino, Drazek, Hight, Creedon, Vaezi, Mayor Tomaszewski, Watters, Hazen, Spender.

Opposed: None.

Abstained: None.

MOTION was made by **WATTERS** to grant the minor subdivision/lot line adjustment for Case #13-07, Mike Reilly/Sarah Simms.

SECONDED: HIGHT.

September 16, 2013 minutes

Page 4.

Those in favor: Drazek, Hight, Vaezi, Mayor Tomaszewski, Watters, Hazen, Spender, Farino.

Opposed: None.

Abstained: Creedon.

Case #Z07-02, Dick Appleby

Present for the applicant: Dick Appleby

Edleston indicated the applicant was required to file a simple application seeking preliminary and final site plan approval, four copies of the site plan drawings, and the applicant would be required to provide notice for a scheduled hearing.

DiSessa stated the applicant would also be required to provide a compliance letter from the Highlands Council.

Case #13-05, VB Mansfield Realty, LLC

Present for the applicant: Glenn Williams, Esquire; Kevin Smith, P.E.; Paresh Patel, Principal and Contract Purchaser

Smith and Patel were sworn in by Edleston.

Williams gave a brief history behind the lot development, and indicated the application was for the construction of a Taco Bell restaurant.

Smith indicated the items in DiSessa's completeness review letter dated 8/16/13 have been addressed, either by plan revisions or the submission of supplemental information. Smith stated there are still waivers being requested for certain items from both the preliminary and final site plan checklists. DiSessa concurred with the waivers being requested by the applicant.

MOTION was made by **VAEZI** to deem the application for Case #13-05, VB Mansfield Realty, LLC complete, and to grant the requested waivers from the preliminary and final site plan checklists.

SECONDED: HAZEN.

Those in favor: Hight, Creedon, Vaezi, Mayor Tomaszewski, Watters, Hazen, Spender, Farino, Drazek.

Opposed: None.

Abstained: None.

Entered as Exhibit A-1 – Amended Preliminary & Final Site Plan plan set, 12 sheets – dated 7/29/2013 and revised 9/3/2013

September 16, 2013 minutes

Page 5.

Smith briefly described the site, and the history behind the approvals of the hotel/restaurant property. Smith indicated the lot was subdivided into two lots. Smith related the details of the proposed Taco Bell restaurant, such as: number of parking spaces, the size of the structure, the access drives, the number of seats, the drive thru access, and the landscaping and lighting.

Mayor Tomaszewski asked if the proposed drainage pipe would be large enough to carry the runoff from the hotel/restaurant given the amount of asphalt. Smith replied the drainage would comply with the Ordinance requirements, and would be reviewed by the Township Engineer.

Smith described the proposed signage for the building: the building signs, the freestanding sign, the menu board sign, and the directional signs. Smith stated the signage meets the Ordinance requirements. DiSessa indicated the menu board sign is considered a freestanding sign and would require variance relief. Williams indicated the notice provided for any additional variances. DiSessa stated the directional sign on Baldwin Drive cannot be located in the sight triangle. Creedon asked if the directional sign on Baldwin Drive would be illuminated, and Smith replied it would be internally illuminated.

Drazek indicated the bayberry and burning bushes are invasive plants, and asked if other native species of plants could be considered. Smith replied they would look to replace those plants.

Patel explained details for the operation of the restaurant, such as: the hours of operation, the number of employees, and the number of seats.

Entered as Exhibit A-2 – architectural plans consisting of three sheets for the Taco Bell restaurant dated 9/4/2013

Patel explained Sheet 1 shows the interior layout, Sheet 2 shows the exterior rear and front elevations, and Sheet 3 shows the two side elevations.

Patel indicated that deliveries would be received once per week in the off hours, and a manager would be present to receive the delivery. The dumpster would be located in the northeast corner of the property.

Edleston asked why the Taco Bell ceased operation on Mountain Avenue in Hackettstown. Patel replied he did not know that information.

Creedon asked if there would be access to the Shop Rite property, either by driving or pedestrian access. Patel replied there would be no access to Shop Rite.

September 16, 2013 minutes

Page 6.

DiSessa stated there is a light post in the parking lot that has been knocked over. Patel stated it would be replaced. DiSessa stated the vegetation on Baldwin Drive also needs to be trimmed. Mayor Tomaszewski stated he thought the vegetation had been trimmed.

DiSessa asked if the hotel and restaurant lots were under common ownership, and Patel replied they are. DiSessa asked why the previous lot line had been removed. Edleston stated the previous subdivision was made for the water allocation. Williams stated the lots were probably merged for the shared use of the liquor license.

The hearing was opened to the public for comments and questions. The hearing was closed to the public since there were no comments or questions.

MOTION was made by **HIGHT** to grant amended preliminary and final site plan, and variance approval for the second freestanding sign for Case #13-05, VB Mansfield Realty, LLC, subject to conditions.

SECONDED: HAZEN.

Those in favor: Creedon, Vaezi, Mayor Tomaszewski, Watters, Hazen, Spender, Farino, Drazek, Hight.

Opposed: None.

Abstained: None.

MOTION was made by **HIGHT** to authorize the Township Committee to pay the professional invoices.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Vaezi, Mayor Tomaszewski, Watters, Hazen, Spender, Farino, Drazek, Hight, Creedon.

Opposed: None.

Abstained: None.

Under old business, Terry Sams of 100 Harts Lane reported the Yusen Logistics business has begun paving their driveway, but a parking lot is needed for the trucks. Sams stated there has been an increase in pavement by 1,000's of square feet, and it appears they are possibly getting ready for additional uses. Sams stated he would like to see the shared driveway issue rectified, and the lack of sanitary facilities for the truck drivers solved.

DiSessa asked where the additional pavement has been added. Sams replied within the fenced area, and not in the driveway area.

September 16, 2013 minutes

Page 7.

Brenda Sams asked for a contact number for the Yusen Logistics company. DiSessa stated he would provide his contact number to Sams. Sams asked who was over McNemer, because there haven't been any results after speaking with him. DiSessa stated he would try to find out that information.

MOTION was made by **MAYOR TOMASZEWSKI** to authorize DiSessa to write a letter to Yusen Logistics expressing Sams' concerns.

SECONDED: HIGHT.

Those in favor: Mayor Tomaszewski, Watters, Hazen, Spender, Farino, Drazek, Hight, Creedon, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **MAYOR TOMASZEWSKI** to adjourn the meeting at 9:41 PM.

SECONDED: HIGHT.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Written)